

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

DIVISION TWO

NOTLEY MADDUX, JR., et al)	No. ED96220
)	
Appellants,)	
)	Appeal from the Montgomery
)	County Circuit Court
)	Cause No. 98-CV155380
STATE AUTOMOBILE MUTUAL)	
INSURANCE COMPAY,)	Honorable Keith M. Sutherland
)	
Respondent.)	Filed: October 25, 2011

Appellant Notley Maddox, Jr. (“Maddox”) appeals the judgment of the Circuit Court of Montgomery County setting aside a previously entered default judgment, and denying a motion to revive the judgment filed by Maddox.

AFFIRMED.

DIVISION TWO HOLDS: The circuit court did not err in setting aside a default judgment entered on 2 October 2000. At the time the circuit court entered the default judgment, it lacked personal jurisdiction over Respondent State Automobile Mutual Insurance Company (“State Auto”). The court lacked personal jurisdiction because Maddox failed to comply with the requirements for valid service of process when effectuating service on a foreign insurance company by the Director of the Department of Insurance (“Director”). As such, the original default judgment was void and the circuit court did not err in setting it aside. For the same reasons, the circuit court did not err in denying the motion to revive.

Opinion by: Kenneth M. Romines, J.
Kathianne Knaup Crane, P.J. and Lawrence E. Mooney, concur.

Attorneys for Appellant: Irwin M. Roitman

Attorneys for Respondent: James A. Harfst

<p>THIS SUMMARY IS NOT PART OF THE OPINION OF THE COURT. IT HAS BEEN PREPARED FOR THE CONVENIENCE OF THE READER AND SHOULD NOT BE QUOTED OR CITED.</p>
